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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,925	11/20/2001	Morten Aae Olander	0459-0653P	2884
2292	7590	10/02/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NAFF, DAVID M	
			ART UNIT	PAPER NUMBER
			1651	
DATE MAILED: 10/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/936,925	OLANDER ET AL.	
	Examiner	Art Unit	
	David M. Naff	1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5,7-10,12-14,16 and 17 is/are allowed.
- 6) ☒ Claim(s) 4,6,11,15 and 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>01&02</u> . | 6) <input type="checkbox"/> Other: _____. |

The preliminary amendment of 11/20/01 amended the specification, canceled claim 31, and amended claims 2-4, 6-16, 18, 20 and 22-29.

Claims examined on the merits are 1-30 which are all claims in the application.

5 Documents have been lined through on form 1449 of 11/20/01 since the documents are also listed on form 1449 of 1/8/02.

A copy of the foreign priority document (00415) filed in Denmark on 3/26/99 is not with the copy of papers for the PCT application (PCT/DK00/00142) of which the present application is a 371. A copy
10 must be supplied to obtain priority.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

15 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6, 11, 15 and 18-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly
20 point out and distinctly claim the subject matter which applicant regards as the invention.

In line 2 of claim 4, --- g/ml --- should be inserted after "3.0" to be clear as to what 3.0 represents.

In line 3 of claim 6, it is uncertain as to what "D" represents.
25 The full name rather than an abbreviation should be used.

In claim 11, line 2, "core material is constituted by more than one bead" is uncertain as to meaning and structure required. There is

not adequate antecedent basis for the core material being a bead.
Does this mean there are multiple core beads in a particle or
something else?

In line 3 of claim 15, there is not antecedent basis for "the
5 articles".

Claims 18-30 are confusing by step (b) of claim 18 being recited
as optional. It is unclear as to when washing is to be carried out,
and reciting an optional step confuses the steps of the claim that are
to be performed. If washing is not required, washing should be
10 required in a dependent claim when washing is required.

In line 3 of claim 23, it is uncertain how "(adsorbent)"
patentably limits the method. This term should be deleted.

In line 2 of claim 24, --- bio- --- should be inserted before
"macromolecule" to be clear and consistent with other claims.
15 Additionally, reciting "20,000" at the end of line 2 without reciting
what this value represents is confusing.

In line 3 of claim 25, "(step b)" is unclear how this recitation
limits the claim. It is suggested --- in step (b) --- be substituted.

In line 3 of claim 26, it is unclear as to what is being eluted.

20 Claim 28 is confusing and an improper dependent claim by
depending on both claims 18 and 15.

The U.S. Patents made of record are to show subject matter
relating to the present invention.

Claims 1-3, 5, 7-10, 12-14, 16 and 17 are allowed.

25 Claims 4, 6, 11, 15 and 18-30 are free of the prior art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is 703-308-0520. The examiner can normally be reached on Monday-Friday 9:30-6:00.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 703-308-4743. The fax phone number for the organization where this application is assigned is (703) 872-9306.

10 Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-0196.



David M. Naff
Primary Examiner
Art Unit 1651

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DMN
9/30/03